



B O R O U G H O F R O S S E N D A L E

INTERDEPARTMENTAL MEMORANDUM

My Ref: RWL/LH/Z.12/110
Mr. R.W. Lester

1st June, 1995

To: The Borough Treasurer

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 106
AGREEMENT - PLANNING APPLICATION NO. 94/166
CONVERSION OF FORMER GARAGE BUILDING TO DWELLING
AT AITKEN STREET, IRWELL VALE - TILEROCK LTD.

I attach for your information a copy of the completed Agreement herein. Please note that the sum of £5,000. is payable on commencement of the development. Please consult the Borough Engineer and Planning Officer (contact - Mr. H.D. Morrison) about collection of this sum.

Ext 134


J K TRADEWELL
BOROUGH SOLICITOR

att

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| TREASURY |
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| |
| FINANCE |
| ACCTS. |
| ESTAB. |
| ADMIN. |
| COLLECT. |

DATED

18th April 1995

ROSSENDALE BOROUGH COUNCIL

and

TILEROCK LIMITED

A G R E E M E N T

under Section 106 of the Town and Country Planning Act 1990 re conversion of a former garage building at Aitken Street, Irwell Vale, Ramsbottom to a dwelling (Planning Application No. 94/166)

RWL/SS/Z.12/110

J. K. Tradewell,
Borough Solicitor,
Rossendale Borough Council,
Town Hall,
Rawtenstall,
Rossendale,
Lancashire. BB4 7LZ

T H I S A G R E E M E N T is made the 18th
day of April One thousand nine hundred and
ninety-five between ROSSENDALE BOROUGH COUNCIL of
the Town Hall Rawtenstall Rossendale Lancashire
("the Council") of the one part and TILEROCK
LIMITED whose Registered Office is situate at
Grafton House 81 Chorley Old Road Bolton BL1 3AJ
("the Owner") of the other part

DEFINITIONS

- (i) "the Act" means the Town and Country
Planning Act 1990 as
amended
- (ii) "the Application" means the written
application made on behalf
of the Owner and received
by the Council on 27th
April 1994 for permission
for the Development
- (iii) "the Development" means the development of
the Property in the manner
and for the uses set out in
the plans, specifications
and particulars deposited
with the Council and
referred to in the Second
Schedule to this Agreement
- (iv) "the Permission" means the draft planning
permission contained in the
Third Schedule to this
Agreement

- (v) "the Plan" means the plan annexed to this Agreement
- (vi) "the Property" means the property described in the First Schedule to this Agreement

WHEREAS:

- (i) The Council is the Local Planning Authority for the purposes of the Act for the District within which the Property is situated
- (ii) The Owner is seised for an estate in fee simple in possession free from incumbrances of the Property which is registered under Title Number LA732322 at H. M. Land Registry
- (iii) By the Application the Owner has applied to the Council for planning permission to carry out the Development
- (iv) The Council has no objection in principle to the Development and is prepared to approve the same subject to appropriate conditions but requires the Owner to enter into the covenants hereinafter contained in this Agreement
- (v) The Council will grant planning permission in respect of the Application in the form of the Permission immediately following the execution of this Agreement

NOW THIS DEED WITNESSETH:

1. This Agreement is made pursuant to Section 106 of the Act as substituted by the Planning and Compensation Act 1991 and to all other enabling powers

statutory or otherwise

2. This Agreement is conditional upon:

- (a) The Permission being granted by the Council for the Development and
- (b) The implementation of the Permission by the commencement of the Development and in the event of the Development not being commenced in accordance with the provisions of Section 56 and Sections 91 to 93 of the Act so that the Permission shall lapse this Agreement shall absolutely determine and be of no effect

3. The Owner with the intent to bind itself and the Owner's successors in title hereby covenants with the Council that it will pay to the Council immediately upon the commencement of the Development the sum of Five thousand pounds (£5,000.00) as a non-refundable contribution towards the cost of immediate repairs to the bridge known as Ogden Bridge which is shown coloured blue on the Plan

4. The Council hereby covenants that it will grant the Permission forthwith upon the execution and completion of this Agreement

5. The expressions "the Council" and "the Owner" shall include their respective successors in title and assigns

6. In this Agreement the words importing the masculine gender shall be deemed to include the feminine and the singular to include the plural and vice versa unless the contrary as to gender or number is expressly provided or unless the same is

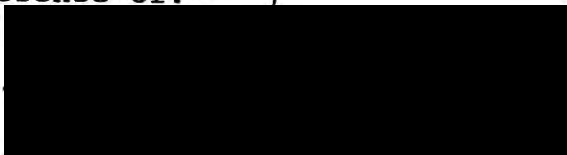
inconsistent with the context and where the expression "the Owner" comprises two or more persons, firms or companies the Owner's obligation shall be construed as joint and several

7. The obligations hereby entered into by the Owner are planning obligations for the purposes of the said Section 106 and the Local Planning Authority by whom they are enforceable is the Council

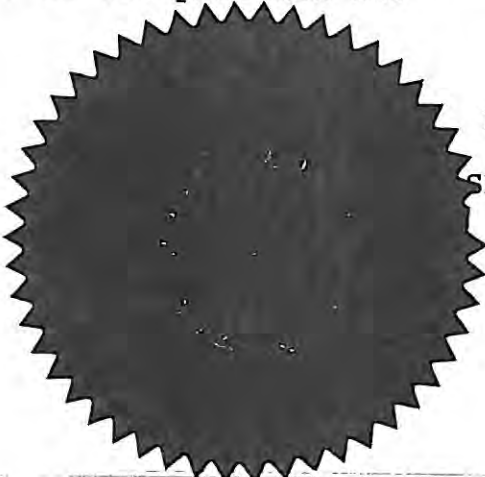
8. The Owner shall make a contribution of £115.00 towards the Council's costs for the preparation and engrossment of this Agreement and shall reimburse the Council for any disbursements to H.M. Land Registry in connection therewith

IN WITNESS whereof the Council and the Owner have caused their respective Common Seals to be hereunto affixed the day and year first before written

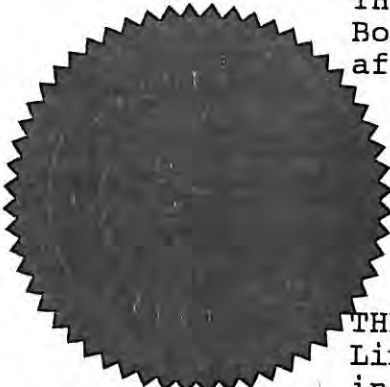
THE COMMON SEAL of Rossendale)
Borough Council was hereunto)
affixed in the presence of:-)



THE COMMON SEAL of Tilerock)
Limited was hereunto affixed)
in the presence of:-)



DIRECTOR
SECRETARY



No. IN SEAL
REGISTER
111880

FIRST SCHEDULE

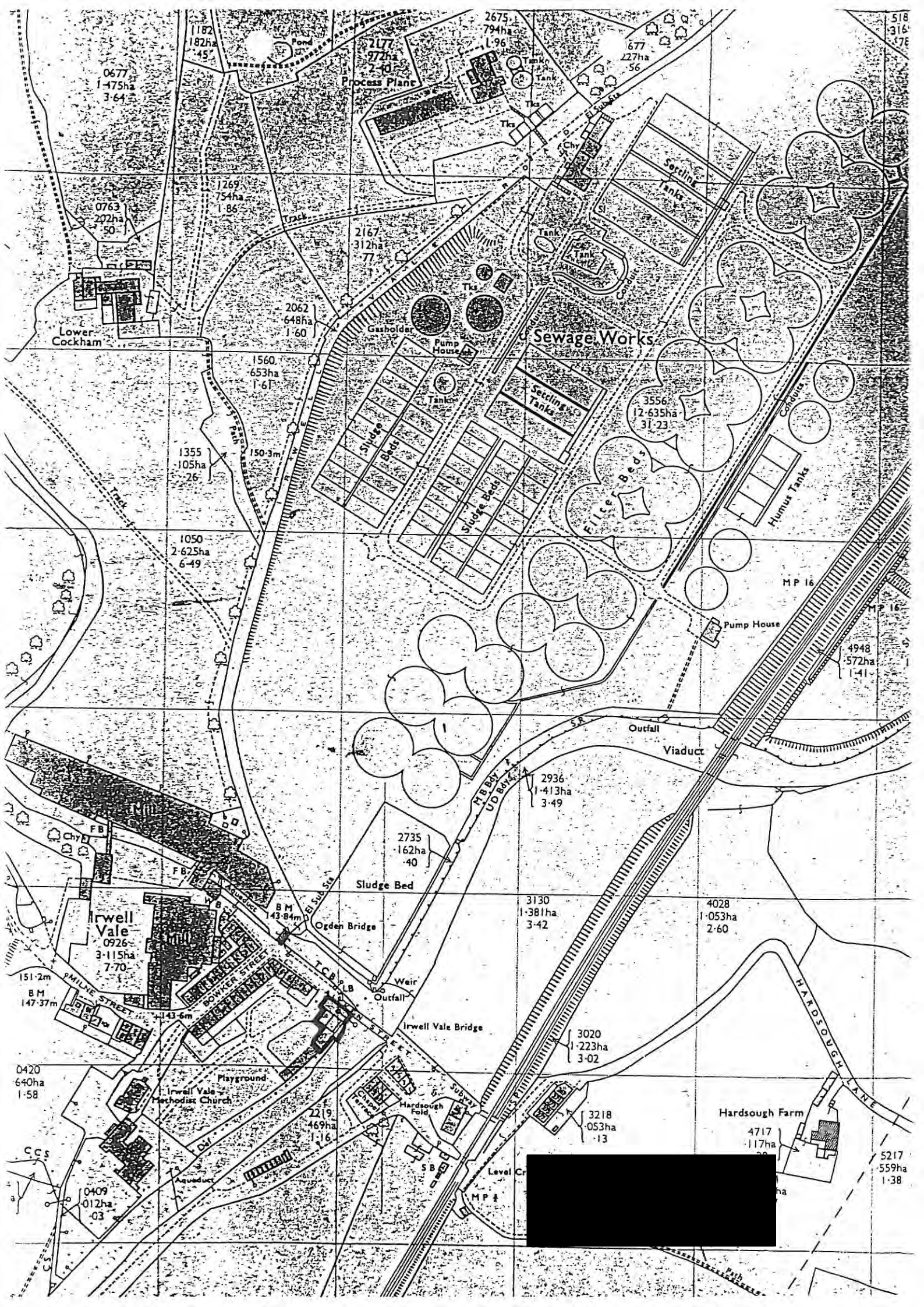
The Property

The premises comprising a former garage building and the land occupied therewith at Aitken Street Irwell Vale Ramsbottom Bury Lancashire which are more particularly delineated and shown edged red on the Plan

SECOND SCHEDULE

The Development

Proposed conversion of the garage building referred to in the First Schedule to this Agreement to a dwelling



0677
1475ha
3.64

1182
182ha
45

2675
794ha
1.96

677
227ha
56

518
316
476

0763
202ha
50

1269
754ha
1.86

2167
312ha
77

3556
12635ha
31.23

Lower
Cockham

2062
648ha
1.60

Sewage Works

1560
653ha
1.61

1355
105ha
26

1050
2625ha
6.49

Humus Tanks

MP 16

Pump House

4948
572ha
1.41

Irwell Vale

2735
162ha
40

2936
413ha
3.49

0926
3115ha
7.70

Sludge Bed

3130
1381ha
3.42

4028
1053ha
2.60

151.2m
B.M.
147.37m

B.M.
43.84m

Ogden Bridge

3020
223ha
3.02

0420
640ha
1.58

2219
469ha
1.16

Irwell Vale Bridge

3218
53ha
1.13

0409
112ha
0.3

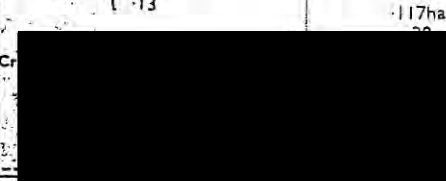
Playground

Hardsough Fold

4717
117ha

Hardsough Farm

5217
559ha
1.38



ROSSENDALE BOROUGH COUNCIL

Town and Country Planning Act 1990

PLANNING PERMISSION

PART 1 - PARTICULARS OF APPLICATION:

Application number: 94/166 Date received: 27th April 1994
Location of proposed development: Former garage building at Aitken Street,
Irwell Vale, Ramsbottom

Particulars of proposed development:

PROPOSED CONVERSION OF GARAGE TO DWELLING

Name and address of applicant:
Tilerock Ltd
283 Chorley New Road
Bolton
Lancs

Name and address of agent
Sunderland Peacock & Assocs
Stanley House
Lowergate
Clitheroe BB7 1AD

PART 2: PARTICULARS OF DECISION

The Rossendale Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that PERMISSION HAS BEEN GRANTED for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

1. The development must be begun not later than the expiration of five years beginning with the date of this permission.

SEE SEPARATE SHEET FOR FURTHER CONDITIONS, REASONS AND NOTES (if any).

Reason:-

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

Date

Borough Engineer and Planning Officer: Stibbylee Hall, Bacup, Lancs OL13 0DE
(See separate page for general information and guidance on post-decision procedures).

CONDITIONS

2. No development shall take place until samples of the proposed natural blue slate have been submitted to and approved by the local planning authority and the outer face of the roofs shall not be constructed other than with the approved materials. Reason: In the interests of visual amenity and in order to ensure a satisfactory degree of harmony within the development, as details in this respect have not been submitted with this proposal.
3. No development shall take place until samples of the proposed natural stone have been submitted to and approved by the local planning authority and the outer face of the additional walling shall not be constructed other than with the approved materials. Reason: In the interests of visual amenity and in order to ensure a satisfactory degree of harmony within the development, as detail in this respect have not been submitted with this proposal.
4. Before any development is commenced a site investigation (or investigations) and assessment shall be carried out by the applicant/developer in relation to the suspected presence of methane gas from former landfill operations within (or beyond) the site, and the applicant/developer shall, thereafter, send a copy of the report and assessment together with any recommendations to the local authority and take all such steps and carry out all such measures as may be required, following the assessment, and recommendations, to deal satisfactorily with any methane gas still being generated within (or beyond) the site boundaries, before any of the buildings is/are first occupied. Reason: In order to ensure that any methane gas is adequately ventilated or otherwise satisfactorily dealt with in the interests of health and safety.
6. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no material change of elevation, change of use or alteration to form a habitable room of any integral or other garage constructed concurrently with or subsequent to the original dwellinghouse, which would otherwise be permitted by virtue of the provisions of Class A of Part 1 of Schedule 2 to Article 3 of the aforementioned Order, shall be carried out anywhere within the application site without the grant of formal express planning permission in that behalf by the local planning authority. Reason: In order to ensure that the subsisting standard of garage accommodation is not materially affected to the detriment of both visual amenity and more particularly with a view to retaining the existing standard of car parking provision within the application site.
6. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no development which would otherwise be permitted by virtue of the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 to Article 3 of the Order shall be carried out anywhere within the application site without the grant of formal express planning permission in that behalf by the local planning authority. Reason: The carrying out of the class(es) of development which would normally be permitted could, in this instance, result in the form, design, layout or character of the principal development being altered in an unacceptable way, to the detriment of visual amenity and harmony within the development/street scene.

NOTES

1. For the avoidance of doubt it is hereby declared that this permission relates to the amended plans received by the local planning authority on 23rd May, 1994 and 26th July, 1994.
2. For the avoidance of doubt it is hereby declared that this permission relates also the additional plans received by the local planning authority on 23rd May, 1994.
3. A copy of the report from the National Rivers Authority is attached for information and compliance.
4. No development shall take place which results in any structure or foundation being within 3 metres of the centre line of any public sewer, and/or obstructs access to manholes. Contact should be made with the Drainage Department, 0706 879949 for further information.